

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 18-71213
v.	:	
	:	Board Nos.
PRO WORKS CONTRACTING, INC.	:	21-CA-120477
	:	21-CA-121946
Respondent	:	

MOTION BY THE NATIONAL LABOR RELATIONS BOARD  
FOR LEAVE TO FILE A CORRECTED PROPOSED JUDGMENT

To the Honorable, the Judges of the United States  
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board ("the Board"), by its Deputy Associate  
General Counsel, moves for leave to file a corrected proposed judgment in the  
subject case and shows as follows:

1. On April 27, 2018, the Court docketed the Board's application for  
summary entry of a judgment enforcing a supplemental order against Pro Works  
Contracting, Inc. in Board Case Nos. 21-CA-120477 and 21-CA-121946, issued on  
January 4, 2018, reported at 366 NLRB No. 1. Included with the application for  
summary entry of a judgment enforcing a Board's order was a proposed judgment.

2. The Board having been made aware of an inadvertent error in its  
judgment of January 4, 2018, on May 2, 2018, the Board issued a correction to  
Respondent's name as it appeared in the January 4, 2018 judgment. See Exhibit 1.

3. The error in the Board's original judgment was also contained in the proposed judgment submitted to the Court with this case on April 27, 2018.

Attached is a corrected proposed judgment reflecting the changes made to the Board's judgment pursuant to the May 2, 2018 correction.

WHEREFORE, the Board requests that this Court grant leave to file a corrected proposed judgment.

/s/ Linda Dreeben

Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half St., S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 3rd day of May, 2018

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
v.	:	
	:	Board Nos.
PRO WORKS CONTRACTING, INC.	:	21-CA-120477
	:	21-CA-121946
Respondent	:	

CORRECTED JUDGMENT ENFORCING A SUPPLEMENTAL ORDER  
OF THE NATIONAL LABOR RELATIONS BOARD

Before:

This Court having on March 3, 2017, in No. 16-73079, entered its judgment enforcing in full the Order of the National Relations Board in Board Case Nos. 21-CA-120477 and 21-CA-121946, the Board on January 4, 2018, issued its Supplemental Decision and Order and having thereafter applied to this Court for summary entry of a judgment:

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Respondent, Pro Works Contracting, Inc., its officers, agents, successors, and assigns, shall make whole discriminatees Michael Choma, Robert Whitman, and Ismael Covarrubias, by paying them the amounts following their names, plus interest accrued to the date of payment, as prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*,

356 NLRB 6 (2010), and minus tax withholdings required by Federal and State Laws.<sup>1</sup>

<u>Employee</u>	<u>Backpay owed</u>
Michael Choma	\$8,200
Robert Whitman	\$2,240
Ismael Covarrubias	<u>\$2,128</u>
<b>Total amount due:</b>	<b>\$12,568</b>

Endorsed, Judgment Filed and Entered

/s/ Molly Dwyer  
Molly Dwyer  
Clerk

---

<sup>1</sup> This amount does not yet include any excess tax. As set forth in the Board's compliance specification, the Respondent is also liable for the adverse tax consequences for any discriminatee receiving a lump-sum backpay award. These amounts may be updated to reflect the actual date of payment. Any adverse tax consequences shall be reported in accordance with *AdvoServ of New Jersey, Inc.*, 363 NLRB No. 143 (2016); *Don Chavas, LLC d/b/a Tortillas Don Chavas*, 361 NLRB 101 (2014).

# EXHIBIT 1

**Pro Works Contracting, Inc. and Iron Workers Local 229, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, AFL-CIO.** Cases 21-CA-120477 and 21-CA-121946

CORRECTION

On January 4, 2018, the National Labor Relations Board issued a Decision and Order in this proceeding in which an inadvertent error appears. On page 1, column 2, the decision has been changed in the Order to correct the Respondent's name from Pro Contracting Works, Inc. to Pro Works Contracting, Inc.

The decision is corrected to reflect the above changes and substituted for the one that previously issued.

Dated, Washington, D.C., May 2, 2018

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 18-71213
v.	:	
	:	Board Nos.
PRO WORKS CONTRACTING, INC.	:	21-CA-120477
	:	21-CA-121946
Respondent	:	

CERTIFICATE OF SERVICE

The undersigned certifies that one copy each of the Board's motion for leave to file a corrected proposed judgment, the corrected judgment and Exhibit 1, in the above-captioned case, has this day been served by first class mail upon the following parties at the addresses listed below:

Earl Register  
3442 Gird Rd.  
Fallbrook, CA 92028

Earl Register, President  
Pro Works Contracting, Inc.  
10612 Prospect Ave., Ste. 105  
Santee, CA 92071

Pro Works Contracting, Inc.  
303 Industrial Way # 4  
Fallbrook, CA 92028

/s/ Linda Dreeben  
Linda Dreeben  
Deputy Associate General Counsel  
National Labor Relations Board  
1015 Half St., S.E.  
Washington, D.C. 20570

Dated in Washington, D.C.  
this 3rd day of May, 2018